

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. MANHUA MANDY LIN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 02-CV-3612
	:	
ROHM AND HAAS COMPANY,	:	
	:	
Defendant.	:	

ORDER

AND NOW, this ____ day of ____, 2002, it is hereby ORDERED that Defendant Rohm and Haas' Motion for Protective Order is GRANTED and that the following Protective Order is entered:

1. The original and reproduced records, briefs and notes of testimony and exhibits presented before the Pennsylvania Court of Common Pleas of Montgomery County in Rohm and Haas v. Lin, Civil No. 00-10035 and before the Pennsylvania Superior Court, Docket No. 1246 EDA 2001 are confidential, and to the extent used in this case, are to be placed and filed under seal;
2. All information, data and documents treated as confidential by the Pennsylvania Courts in the above-referenced Civil No. 00-10035/Appeal Docket No. 1246 EDA 2001 are confidential in this case, and to the extent used in this case, are to be placed and filed under seal.

J.

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DR. MANHUA MANDY LIN,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO. 02-CV-3612
	:	
ROHM AND HAAS COMPANY,	:	
	:	
Defendant.	:	

**MOTION OF DEFENDANT ROHM AND HAAS
FOR A PROTECTIVE ORDER**

In a related State Court action (Civil No. 00-10035) involving the same parties as the instant case, the Montgomery County Court of Common Pleas entered a number of protective orders that provided confidentiality protection for trade secrets and confidential information of Rohm and Haas Company ("Rohm and Haas"), and on appeal (Docket No. 1246 EDA 2001), the Pennsylvania Superior Court entered a protective order that sealed the certified record, briefs and reproduced record of the trial court proceedings. Rohm and Haas now moves for a protective order in this case that incorporates the Order of the Pennsylvania Superior Court and that maintains the same level of protection for confidential information, data and documents of Rohm and Haas as was provided by the Pennsylvania Courts. Rohm and Haas trusts and requests that prior to the entry of a protective order in this case, plaintiff Lin will honor the terms of the confidentiality orders of the Pennsylvania Courts in this case and will not disclose trade secrets or confidential information of Rohm and Haas. For any and all of the reasons

presented in the accompanying memorandum of law, the Court should grant this motion and enter the requested protective order.

Respectfully submitted,

/s/ Raymond A. Kresge

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UNITED STATES DISTRICT COURT
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	:	
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**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANT’S MOTION FOR A PROTECTIVE ORDER**

In her detailed Amended Complaint, plaintiff Manhua Mandy Lin (“Lin”) presents numerous allegations relating to claims of defendant Rohm and Haas Company (“Rohm and Haas”) that Lin disclosed Rohm and Haas’ trade secrets and confidential information -- claims that have already been litigated in Rohm and Haas’ favor in the Pennsylvania Courts. In that parallel State Court litigation, protective orders were entered by the Montgomery County Court of Common Pleas and by the Pennsylvania Superior Court that protected under seal the Rohm and Haas trade secrets and confidential information. While Lin vexatiously attempts to re-litigate in this case issues that she lost in the State Court litigation (which will be addressed in a forthcoming motion to dismiss that can be filed once a protective order is in place),¹ she should not be permitted to evade in this case the protective order obligations ordered in the State Court litigation. Through this motion, Rohm and Haas seeks a protective order that incorporates the

¹Given that Rohm and Haas cannot file its motion to dismiss without the requested protective order in place, Rohm and Haas respectfully requests that the Court give expedited consideration to this motion.

Pennsylvania Court Orders and that maintains the same level of protection for confidential information, data and documents that already exists in the State Court litigation.

As background, on June 2, 2000, Rohm and Haas initiated the State Court action that relates to the same trade secret issues that underlie this case. On June 21, 2000, the parties entered into a Stipulation of Confidentiality (attached as Exhibit A) wherein it was agreed that: “There is good cause for this stipulation, as Rohm and Haas Company anticipates that discovery in this action will include documents and other information which constitutes trade secrets.” On July 10, 2000, counsel for Rohm and Haas made an unopposed speaking motion requesting that the Court of Common Pleas issue an Order sealing the record of the hearings, which was granted. (Copy of the July 10, 2000 transcript granting that Motion is attached as Exhibit B). The Court of Common Pleas subsequently entered four separate Orders, which collectively sealed the transcripts of the Motion for Preliminary Injunction Hearing, Notes of Testimony from the Hearings, and the trial exhibits of each party. (Copy of the docket from the State Court action attached hereto as Exhibit C).

After nine days of hearing, on April 17, 2001, the Court of Common Pleas entered a Preliminary Injunction Order that enjoined Lin from using, disclosing or divulging, directly or indirectly, any information that Rohm and Haas considered trade secrets. In its Opinion related to the Preliminary Injunction Order, the Court of Common Pleas issued findings, among others, that Lin disclosed Rohm and Haas trade secrets and specifically identified four of those trade secrets.² Lin appealed the adverse Preliminary Injunction Order to the Pennsylvania Superior

²Rohm and Haas intends to rely on this Opinion in its motion to dismiss in this case, as well as numerous other parts of the State Court record.

Court. On September 25, 2001, the Pennsylvania Superior Court issued an Order (attached as Exhibit D), granting Rohm and Haas' Application to Seal the Record and denying Lin's counter-application to unseal the record. In that Order, the Superior Court specifically sealed the certified record, briefs and reproduced record.

Given this history of a confidentiality stipulation, numerous protective orders from the Pennsylvania Court of Common Pleas, and the protective order entered by the Pennsylvania Superior Court, there is good cause for granting Rohm and Haas' motion for protective order. As reflected throughout her Amended Complaint, Lin has placed trade secrets and confidential information in issue, thereby necessitating a protective order. As referenced above, in the very next pleading in this case (i.e., Rohm and Haas' motion to dismiss), Rohm and Haas will be relying on the State Court record that has already been placed under seal by the Pennsylvania Superior Court. The need for a protective order in this case is, therefore, clear.

Through this motion, Rohm and Haas seeks nothing more than the protection already ordered in the State Court litigation. This Court should honor those State Court Orders and should not permit Lin to evade her confidentiality obligations in litigation by a switch of the

litigation forum. For any and all of the reasons presented herein, the Court should grant this motion.

Respectfully submitted,

/s/ Raymond A. Kresge

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of December 2002, I caused to be served a true and correct copy of Defendant's Motion for a Protective Order and the accompanying Memorandum of Law by first-class mail postage prepaid upon plaintiff's counsel:

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/s/ Raymond A. Kresge
RAYMOND A. KRESGE